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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,160	07/14/2003	Christoph Hinteregger	WRA-33806	6785
24131	7590	05/11/2005	EXAMINER	
LERNER AND GREENBERG, PA P O BOX 2480 HOLLYWOOD, FL 33022-2480			LUK, LAWRENCE W	
			ART UNIT	PAPER NUMBER
			2187	

DATE MAILED: 05/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/619,160	Applicant(s) HINTEREGGER, CHRISTOPH	
	Examiner Lawrence W. Luk	Art Unit 2187	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☒ Claim(s) 4-6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dobbins (6,453,824) in view of Pohler et al. (3,621,192).

#### Claim 1

As to claim 1, Dobbins discloses in figure 1, column 1, lines 42-54, a cable railroad system comprising a load-bearing and traction cable, (see column 1, lines 45-46) a plurality of chairs (1) mounted to coupling devices (3, 6, 7) for selectively coupling said chairs to said load-bearing and traction cable. Dobbins also teaches batteries (see column 2, lines 3 and 4) and devices (see elements 8 and 10) for charging said batteries (see column 2, lines 1-5).

Dobbins does not disclose expressly **chairs having seats with electric heating devices powered by the batteries.**

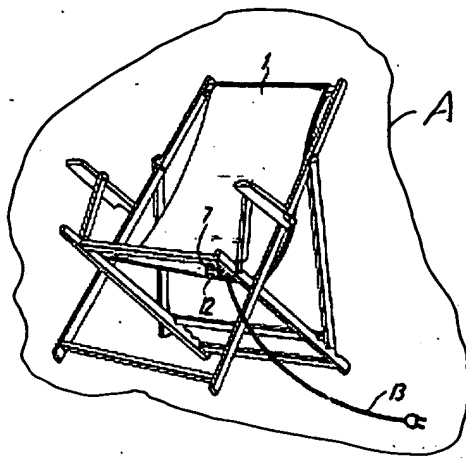


FIG. 1

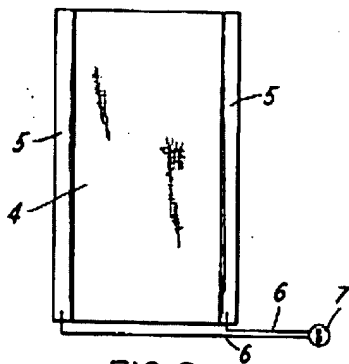


FIG. 3

Pohler et al. discloses in figure 1 and 3, column 1, lines 24-31 and column 2, lines 37-40, **chairs (A) having seats with electric heating devices (4), and batteries (see column 1, lines 33 and 34) powering the heating devices.**

Dobbins and Pohler et al. are analogous art because they are from the same field of endeavor of ski lifts to transport large numbers of skiers. Both inventions are drawn to improving passenger transportation. Also, Pohler, in column 1, lines 1-9,

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recognizes the same problem as the Applicants on page 1, lines 17-21; i.e. passengers in chair lifts are subject to very severe temperatures.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to include heated seats in a chairs for transporting passengers on cool days since these lifts have the disadvantage of exposing the body to a cool climate. Furthermore, it would also have been obvious to the skilled artisan to use the batteries taught by Dobbins to power the heating devices as taught by Pohler et al. in column 1, lines 31 and 32 for the purpose of providing constant power to the heating elements.

The suggestion/motivation for doing so would have been to provide rapid heating of the seating area, since ski lifts are open to air and have the disadvantage of exposing the body of the passenger to markedly different temperatures. (see column 1, lines 5-9 in Pohler et al. (3,621,192).

Therefore, it would have been obvious to combine Pohler et al. with Dobbins for the benefit of passenger comfort in cold conditions to obtain the invention as specified in claim 1.

3. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dobbins (6,453,824) in view of Pohler et al. (3,621,192) as applied to claim 1 above, and further in view of Orr, III (5,839,788).

**Claims 2 and 3**

AS to claims 2 and 3, Dobbins in view of Pohler et al. disclose the elements as claimed except Dobbins in view of Pohler et al. does not expressly disclose **control**

**devices for controlling a heating of said seats and control devices are disposed on said chairs.**

Orr, III disclose in figure 1, column 1, lines 57-62, the control devices (14) for controlling a heating of said seats and control devices are disposed on said chairs (10).

Dobbins, Pohler et al. and Orr, III are analogous art because they are all from the area of heating seats.

At the time of the invention it would have been obvious to person of ordinary skill in the art to modify the device of Dobbins in view of Pohler et al. to include control devices for controlling a heating of said seats and control devices are disposed on said chairs as taught by Orr, III because control switch are well known in the art of battery charging for controlling the heat.

The suggestion/motivation for using incorporating for using a control device disposed on said chairs to control the heating of said seats by the user to his therapeutic comfort level (column 1, lines 15-17 and 62-64).

Therefore, it would have been obvious to combine Dobbins in view of Pohler et al. with Orr, III for the benefit of providing the user with control capabilities over the amount of heat generated as a source of therapeutic comfort to obtain the invention as specified in claim 1 (column 1, lines 15-17 and 62-64).

***Allowable Subject Matter***

4. Claims 4-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The primary reasons for allowance of **Claims 4 and 5** in the instant application is the combination with the inclusion in these claims that **the busbars disposed in stations of the cable railroad system configured to charge said batteries during a garaging of said chairs.**

The primary reasons for allowance of **Claim 6** in the instant application is the combination with the inclusion in these claims that **comprises photovoltaic elements mounted to said chairs for charging up said batteries.**

**: IMPORTANT NOTE :**

If the applicant should choose to rewrite the independent claims to include the limitation recited in claims 4 - 6, the applicant is encouraged to amend the **title of the invention** such that it is descriptive of the invention as claimed as required by sec. **606.01** of the **MPEP**. Furthermore, the **Summary of the Invention** and the **Abstract** should be amended to bring them into harmony with the allowed claims as required by paragraph 2 of **§ 302.01** of the **MPEP**.

As allowable subject matter has been indicated, applicant's response must either comply with all formal requirements or specifically traverse each requirement not complied with. See **37 C. F. R. § 1.111(b)** and **§ 707.07 (a)** of the **M.P.E.P.**

***Conclusion***

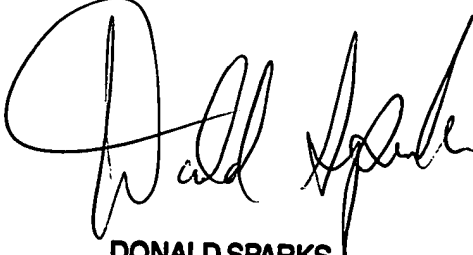
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lawrence W. Luk whose telephone number is 571-272-2080. The examiner can normally be reached on 7 a.m. to 5 p.m..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Sparks can be reached on (571)272-4202. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LWL  
May 3, 2005



**DONALD SPARKS**  
**SUPERVISORY PATENT EXAMINER**